

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

MARINA NOVITSKAYA	)	
	)	
Plaintiff	)	No. 08 C 673
	)	
vs.	)	Judge Der-Yeghiayan
	)	
MICHAEL CHERTOFF, Secretary of the	)	
Department of Homeland Security;	)	
EMILIO T. GONZALEZ, Director of	)	
U.S. Citizenship and Immigration Services;	)	
ROBERT BLACKWOOD, Chicago District	)	
Director, U.S. Citizenship and Immigration	)	
Services; ROBERT S. MUELLER, III,	)	
Director, Federal Bureau of Investigation,	)	
	)	
Defendant.	)	

**DEFENDANT’S AGREED MOTION TO REMAND THE CASE TO THE AGENCY**

Defendants United States Citizenship and Immigration Services’ (“USCIS”), through their attorney, PATRICK J. FITZGERALD, United States Attorney for the Northern District of Illinois, respectfully move that this honorable court remand the instant case to the defendant agency US CIS for the following reasons:

1. Plaintiff has filed a complaint pursuant to 8 U.S.C. §1447(b) of the Immigration and Nationality Act seeking this court’s jurisdiction over her application for naturalization which has not been finally adjudicated by the defendant USCIS within 120 days after the examination of the

applicant by the agency. (Complaint ¶1).

2. In reviewing the complaint with the defendant USCIS, it was determined that the application is in the process of final adjudication and is likely to be decided within the next 60 days. After discussions for settlement purposes with plaintiff's counsel, the parties have agreed that in the interest of judicial economy and upon motion to this honorable court, the case could be remanded to the agency for the purpose of completing this adjudication in an expeditious manner. 8 U.S.C. §1447(b) reads, in pertinent part: “. . . [s]uch court has jurisdiction over the matter and may either determine the matter or *remand the matter, with appropriate instructions*, to the Service to determine the matter.” The parties have agreed and seek the court's order that if for any reason the case cannot be completed within sixty days, the plaintiff may reinstate the case before the district court.

3. Thus, because the office of the District Director for defendant USCIS has determined that the adjudication of the plaintiff's case may be completed within sixty days, if not sooner, the defendants, in agreement with the plaintiff, respectfully request that the court now remand this matter to the agency pursuant to its authority under 8 U.S.C. § 1447(b) with appropriate instructions to the agency to determine the matter promptly, with the parties bearing their own costs and fees associated with this litigation.

Based upon the terms specified above, the defendants respectfully request that the court enter an order remanding the case to the defendant USCIS for final resolution of the naturalization application.

Respectfully submitted,

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PATRICK J. FITZGERALD  
United States Attorney

By: s/ Sheila McNulty  
SHEILA MCNULTY

Special Assistant U.S. Attorney  
U.S. Attorney's Office  
219 S. Dearborn Street  
Chicago, Illinois 60614  
(312) 353-8788

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